maintained in the ATCC depository, which is a public depository, for a period of 30 years, or 5 years after the most recent request, or for the effective life of the patent, whichever is longer, and will be replaced if it becomes nonviable during that period. Additionally, Applicant has satisfied all the requirements of 37 C.F.R. §§1.801 - 1.809, including providing an indication of the viability of the sample. Applicant imposes no restrictions on the availability of the deposited material from the ATCC; however, Applicant has no authority to waive any restrictions imposed by law on the transfer of biological material or its transportation in commerce. Applicant does not waive any infringement of his rights granted under this patent or under the Plant Variety Protection Act (7 USC 2321 et seq.). U.S. Plant Variety Protection of Inbred Maize Line PH0R8 has been applied for under Application No. 200100021.

B1

IN THE CLAIMS

Please cancel claims 14, 33, 41, 43, 45, and 46.

Please amend claims 1, 3, 5, 6, 16, 19, 20, 21, 22, 24, 25, 35, 37, 40, 48, and 49 as follows:

B2

1. (Amended) Seed of maize inbred line designated PH0R8, representative seed of said line having been deposited under ATCC Accession No. PTA-4344.

B3

3. (Amended) The maize plant of claim 2 further comprising a genetic factor conferring male sterility.

B4

5. (Amended) A tissue culture according to claim 4, cells or protoplasts of the tissue culture being from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

6. (Amended) A maize plant regenerated from the tissue culture of claim 4, capable of expressing all the morphological and physiological characteristics of inbred line PH0R8, representative seed of which have been deposited under ATCC Accession No. PTA-4344.

B5

16. (Amended) The method of claim 15 wherein plant breeding techniques are selected from the group consisting of: recurrent selection, backcrossing, pedigree breeding, restriction fragment length polymorphism enhanced selection, genetic marker enhanced selection, and transformation.

19. (Amended) The single gene conversion maize plant of claim 18, wherein the gene is a dominant allele.

B6

20. (Amended) The single gene conversion maize plant of claim 18, wherein the gene is a recessive allele.

21. (Amended) A maize plant, or parts thereof, having all the physiological and morphological characteristics of inbred line PH0R8, representative seed of said line having been deposited under ATCC accession No. PTA-4344.

22. (Amended) The maize plant of claim 21 further comprising a genetic factor conferring male sterility.

24. (Amended) A tissue culture according to claim 23, cells or protoplasts of the tissue culture being from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

B7

25. (Amended) A maize plant regenerated from the tissue culture of claim 23, capable of expressing all the morphological and physiological characteristics of inbred line PH0R8, representative seed of which have been deposited under ATCC Accession No. PTA-4344.

B8

35. (Amended) The method of claim 34 wherein plant breeding techniques are selected from the group consisting of: recurrent selection, backcrossing, pedigree breeding, restriction fragment length polymorphism enhanced selection, genetic marker enhanced selection, and transformation.

B9

37. (Twice Amended) A process for producing inbred PH0R8, representative seed of which have been deposited under ATCC Accession No. PTA-4344, comprising:

Scab C37

(a) planting a collection of seed comprising seed of a hybrid, one of whose parents is inbred PH0R8 said collection also comprising seed of said inbred;

(b) growing plants from said collection of seed;

(c) identifying inbred parent plants;

(d) selecting said inbred parent plant;

(e) controlling pollination through selfing, which preserves the homozygosity of said inbred parent plant; and

(f) collecting morphological and/or physiological data so that said inbred parent may be identified as inbred PH0R8.

40. (Amended) A method for producing a PH0R8-derived maize plant, comprising:

(a) crossing inbred maize line PH0R8, representative seed of said line having been deposited under ATCC Accession No. PTA-4344, with a second maize plant to yield progeny maize seed;

(b) growing said progeny maize seed, under plant growth conditions, to yield said PH0R8-derived maize plant.

48. (Amended) The single gene conversion maize plant of claim 47, wherein the gene is a dominant allele.

49. (Amended) The single gene conversion maize plant of claim 47, wherein the gene is a recessive allele.

REMARKS

Claims 14, 33, 41, 43, 45, and 46 have been cancelled. Claims 1, 3, 5, 6, 16, 19, 20, 21, 22, 24, 25, 35, 37, 40, 48, and 49 have been amended as specifically suggested by the Examiner in order to place them in condition for allowance.

In the Office Action dated April 2, 2002, the Examiner states that, "Claims 1, 6, 21, 25, 37, and 40 are objected to for their inclusion of blanks '_____'. It is assumed that the blanks will be replaced by the ATCC deposit accession number." Claims 1, 6, 21, 25, 37, and 40 have been so amended by deleting the blank spaces and inserting the ATCC deposit number. The specification has also been amended to include the terms of the deposit for PH0R8. A copy of the ATCC deposit receipt is included in this